

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: OAK-HEE KIM

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Civil Action No. 22-MC-91255-AK

ORDER

A. KELLEY, D.J.

By order of the Court, litigant Oak-Hee Kim (“Kim”) is prohibited from filing any papers on the civil docket of this Court without first receiving permission to do so. See Kim v. Mass. Comm’n Against Discrimination, No. 15-CV-12309-WGY (D. Mass.) at Dkt. 10; Ruesch v. Goodhue, No. 04-CV-12390-FDS (D. Mass.) at Dkt. 7. Now before this Court is Kim’s petition to file a new action [Dkt. 2], as well as a motion for leave to proceed *in forma pauperis* [Dkt. 3], and a motion for appointment of counsel [Dkt. 4]. In her proposed complaint [Dkt. 2-1], Kim alleges that, between 2012 to 2020, the Newton Housing Authority failed to reasonably accommodate her sensitivity to chemicals [*id.*]. Upon review of the proposed complaint, the Court **DENIES** Kim’s petition [Dkt. 2] and **DENIES AS MOOT** the remaining motions [Dkts. 3 and 4].

Most of the claims in the proposed complaint would be barred by the two-year statute of the Fair Housing Act, see 42 U.S.C. § 3613(a)(1)(A), or the Commonwealth’s three-year statute of limitations for tort actions, which is applied to claims under Title II of the ADA and the Rehabilitation Act, see, e.g., Nieves-Marquez v. Puerto Rico, 353 F.3d 108, 119 (1st Cir. 2003); Downs v. Massachusetts Bay Transp. Auth., 13 F. Supp. 2d 130, 136 (D. Mass. 1998).

Further, Kim has had adequate opportunities to pursue any timely claims. In November 2021, Kim was permitted to commence another lawsuit against the Newton Housing Authority concerning its alleged failure to accommodate her disability and alleged retaliatory action against her. See Kim v. Newton Hous. Auth., No. 21-CV-12078-LTS (D. Mass.). On January 12, 2022, Newton Housing Authority filed a summary process complaint in Newton District Court against Kim. See Newton Hous. Auth. v. Kim, 2212SU00001 (Newton Dist. Ct., Mass.). Judgment was entered in favor of the Newton Housing Authority after Kim failed to appear for a bench trial.¹

Accordingly, the petition for leave to file a complaint [Dkt. 2] is **DENIED**, and the remaining motions [Dkts. 3 and 4] are **DENIED AS MOOT**. The Clerk shall terminate this action.

SO ORDERED.

October 18, 2022

/s/ Angel Kelley
ANGEL KELLEY
U.S. DISTRICT JUDGE

¹ On April 20, 2022, Kim commenced an action against the Newton Housing Authority in Middlesex Superior Court. In denying Kim's motion for a preliminary injunction prohibiting her eviction, the Superior Court noted that Kim had refused to participate in the summary process proceedings in person, telephonically, or by video. See Kim v. Newton Hous. Auth., 2281CV01964 (Middlesex County Superior Ct., Mass., May 11, 2022).